

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

286R0171

HOUSE JUDICIARY ENGROSSED NO. **HB 1081** - 2/1/2010

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain court automation surcharges and to declare
2 an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-2-39 be amended to read as follows:

5 16-2-39. In each civil action, proceeding for judicial remedy, and probate proceeding, the
6 clerk of courts shall collect the sum of ~~twenty~~ forty dollars as a unified judicial system court
7 automation surcharge. The ~~twenty-dollar~~ forty-dollar surcharge does not apply to a small claims
8 action. In each small claims action, the clerk of courts shall collect as a unified judicial system
9 court automation surcharge the sum of ~~six~~ twelve dollars if the amount in controversy is less
10 than four thousand dollars and ~~eight~~ sixteen dollars if the amount in controversy is four
11 thousand dollars or more. The surcharge shall be collected from the plaintiff or person
12 instituting the action or proceeding at the time of filing the first paper. The surcharge shall be
13 collected by the clerk in the manner in which other fees are collected. However, no surcharge
14 may be collected for any petition or motion to modify final orders for child support, child
15 custody, child visitation, or spousal support or in any civil action or proceeding for judicial



remedy commenced by the state, a county, a municipality, or a school district.

Section 2. That § 16-2-41 be amended to read as follows:

16-2-41. In each criminal action, in addition to any other liquidated costs, penalty, assessment, or fine provided by law, there shall be levied a unified judicial system court automation surcharge according to the following schedule:

- (1) Violation of county or municipal ordinances or administrative rules having criminal penalties, ~~eight~~ seventeen dollars and fifty cents;
- (2) Violation of state statute classified as a Class 2 misdemeanor, ~~eleven~~ twenty-three dollars and fifty cents;
- (3) Violation of a state statute classified as a Class 1 misdemeanor, ~~twenty~~ forty-one dollars and fifty cents;
- (4) Violation of a state statute classified as a felony, ~~thirty~~ sixty-one dollars and fifty cents.

Section 3. That § 16-2-41.1 be amended to read as follows:

16-2-41.1. In each appeal, intermediate appeal, original proceeding, or other action filed in the Supreme Court, the clerk of the court shall collect the sum of ~~twenty-five~~ fifty dollars as a unified judicial system court automation surcharge. However, no surcharge may be collected in any proceeding commenced in the Supreme Court by the state, a county, a municipality, or a school district.

Section 4. After June 30, 2015, notwithstanding § 16-2-39, in each small claims action, the clerk of courts shall collect as a unified judicial system court automation surcharge the sum of six dollars if the amount in controversy is less than four thousand dollars and eight dollars if the amount in controversy is four thousand dollars or more.

Section 5. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 2 full force and effect from and after its passage and approval.